

TOWN OF WELLESLEY



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TOWN OF MASSACHUSETTS
WELLESLEY
APR 25 1962

JOHN L. HAYDEN
GARRETT S. HOAG
DANA T. LOWELL

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Appeal of Constance R. Edwards

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on April 25, 1962 on the appeal of Constance R. Edwards from the refusal of the Inspector of Buildings to issue a permit to her to construct an addition on the side of her dwelling at 15 Homestead Road with a side yard less than the required twenty feet.

The appellant appeared at the hearing in support of her appeal.

Robert Schneider, Business Manager of Wellesley College and John Kreinheder, Superintendent of Wellesley College, both spoke in favor of granting the request.

On April 2, 1961, the Inspector of Buildings notified the appellant in writing that a permit for the construction of the proposed addition could not be issued because the same would violate Chapter IV, Section 1 (b) of the Building Code which requires that all such buildings shall be placed at least ten feet from any party line and Section 9-C of the Zoning By-law which requires that every such building shall provide a side yard at least twenty feet in width.

On the same date the appellant took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved which consists of a lot containing 8,000 square feet in area with a dwelling and garage thereon is located within a single-residence district requiring a minimum lot area of 10,000 square feet. The house was built approximately ten feet from the easterly side lot line in 1917 prior to the enactment of the present applicable Zoning By-law and Building Code requirements. It abuts a right-of-way on the easterly side which is owned by Wellesley College in conjunction with a large parcel of land in the rear of the property.

The appellant sought a building permit to construct a greenhouse 5.3' x 12.5' on the easterly side of her dwelling which would lie 4.3' from the side lot line. A plot plan drawn by Gleason Engineering Company, dated March 23, 1962, was submitted which showed the existing dwelling and the proposed addition.

The appellant stated that it is her desire to construct a greenhouse approximately 5 $\frac{1}{2}$ ' x 10' on the easterly side of her dwelling as it appears to be the most logical location for it. It would have the proper exposure for the plants and would be adjacent to the kitchen. If it were to be built on the other side of the house, there would be no way of getting heat from the central heating system; it would have the wrong exposure and

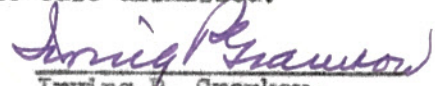
would be adjacent to the living room which would be impractical due to the nature of the work to be done and the materials to be brought through the house.

Decision

The Building Inspector properly refused the permit as the proposed greenhouse would violate Chapter IV, Section 1 (b) of the Building Code and Section 9-C of the Zoning By-law. The Board, therefore, must decide whether or not a variance should be granted.

It is the opinion of this Board that the proposed greenhouse can be located at the rear or on the westerly side of the dwelling even though it may not be as desirable as the proposed location. To permit the greenhouse to be located approximately four feet from the lot line would, in the opinion of the Board, prove detrimental to the property involved as well as to the neighborhood. The Board cannot find that manifest injustice will result if this variance is not granted, nor does the Board feel that the case was not contemplated by the provisions of the Building Code at the time of its adoption. The Board further finds that compliance with the requirements of Section 9-C of the Zoning By-law is not impractical because of the width, depth and shape of the lot. The lot which contains 8,000 square feet, has a frontage of 120.14' and a depth of approximately 70', with ample space for the proposed greenhouse on either the westerly side or the rear of the house.

Accordingly, the appeal is denied and the case dismissed.


Irving F. Gramkow


John L. Hayden


Dana T. Lowell

Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
CONSTANCE R. EDWARDS
SCALE 40 FEET TO AN INCH
MARCH 23, 1962.
GLEASON ENGINEERING COMPANY

